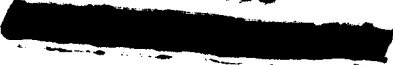


SUNSHINE PERIOD

ORIGINAL


Small Business PCS Association
96 Hillbrook Drive Portola Valley, CA 94028
415-851-1615 Fax: 415-851-1870

DOCKET FILE COPY ORIGINAL

RECEIVED

June 28, 1994

~~JUN 28 1994~~

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF SECRETARY

Mr. Andrew S. Fishel
Managing Director
Federal Communications Commission
1919 M Street, N.W.
Washington, D.C. 20552

Re: June 22, 1994 and June 23, 1994 Ex Parte Contacts
PP Docket No. 93-253

Dear Mr. Fishel:

Pursuant to Section 1.1214 of the Federal Communications Commission's (the "Commission") Rules, I hereby advise the Commission of ex parte contacts made on June 22 and June 23 in regard to outstanding issues in the Competitive Bidding Rulemaking for broadband Personal Communications Services ("PCS").

Without either of us knowing that the June 29th Commission agenda was released late in the day on June 22, 1994, Julia Kogan, Esq., of the Private Radio Bureau, and I discussed outstanding issues regarding broadband PCS during a telephone call in the evening of June 22, 1994. The substance of our discussions was embodied in a letter that was forwarded to Ms. Kogan, via facsimile, on Wednesday evening at approximately 11:35 PM EDT. This letter was followed by a subsequent telephone discussion on Thursday, June 23, 1994, at approximately 2:00 PM EDT, in which the contents of the facsimile was again discussed.^{1/}

At the time these contacts were made, neither I, nor Ms. Kogan, were aware that the Sunshine Period for broadband PCS had commenced. In fact, in response to my inquiry with Commission staff, I was assured that further discussion on these

1/ The same letter was forwarded to Gregory L. Rosston of the Office of Plans and Policy at 5:05 PM EDT on June 22, 1994. The information contained in this letter, therefore, was arguably already before the Commission prior to commencement of the Sunshine Period for broadband PCS.

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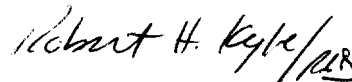
Mr. Andrew S. Fishel
Page 2
June 28, 1994

issues was permissible and that release of the Sunshine Agenda would be delayed a day.

Attached please find copies of the communications referenced in this letter.^{2/} Should you have any questions regarding these contacts, please do not hesitate to call me at 415-851-1615.

Respectfully submitted,

kycom, Inc.

A handwritten signature in cursive script that reads "Robert H. Kyle" followed by a small, stylized monogram or initials.

Robert H. Kyle
President

CC: Julia Kogan, Esq.

^{2/} The dates reflected in the letters to Ms. Kogan and Mr. Rosston are incorrect and resulted from a typographical error. The letters were forwarded to Ms. Kogan and Mr. Rosston on the days and at the times specified above.

Small Business PCS Association
96 Hillbrook Drive Portola Valley, CA 94028
415-851-1615 FAX: 415-851-1870

June 18, 1994

Ms. Julia Kogan
Federal Communications Commission
1919 M Street NW
Washington, DC 20554

RE: PP Docket No. 93-253

Dear Julia:

Thank you for the phone call earlier today about the Entrepreneurial Frequency Blocks. We at SBPCS were very concerned to hear that the maximum passive investment in SWMRS may be lowered to 49.9%. This will make it virtually impossible for any SWMR in the country to get financing. The 80% limit for passive investment previously suggested by the FCC is highly preferable.

Another major area of concern, expressed in my May 13 letter, is the revenue limit for the Entrepreneurial Block. If the limit is not lowered to \$40 million or less the Entrepreneurial Blocks will not diversify ownership in the communications industry, as Congress has mandated, but will merely expand the roll of existing medium sized telecommunications companies in an industry where they are already major players.

Lastly, we are concerned that the Entrepreneurial Block will be auctioned at a date later than other licenses, particularly the 30 MHz MTAs. It is our view that in PCS a company's ability to quickly deploy infrastructure is critical to their success. Therefore, we ask that recipients of Entrepreneurial Block licenses be given an equal chance by awarding their licenses at the same time, or before, their large company MTA competitors.

Best of luck in your activities finalizing the broadband PCS rules.

Sincerely,



Robert H. Kyle
Chairman

Small Business PCS Association
96 Hillbrook Drive Portola Valley, CA 94028
415-851-1615 FAX: 415-851-1870

June 18, 1994

Mr. Greg Roston
Federal Communications Commission
1919 M Street NW
Washington, DC 20554

RE: PP Docket No. 93-253

Dear Greg:

Thank you for the phone call earlier today about the entrepreneurial frequency blocks. We at SBPCS were very concerned to hear that the maximum passive investment in SWMRS may be lowered to 49.9%. This will make it virtually impossible for any SWMR in the country to get financing. The 80% limit for passive investment previously suggested by the FCC is highly preferable.

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Best of luck in your activities finalizing the broadband PCS rules.

Sincerely,



Robert H. Kyle
Chairman